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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,089	01/16/2002	Masahiro Hatashita	81800.0178	5517

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,089

Applicant(s)

HATASHITA, MASAHIRO

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/16/02; 07/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “inverting unit” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The following is a quotation of 37 C.F.R. 1.75 (d)(1):

The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.

4. Claims 1 and 10 are objected to because of the following informalities: inverting unit is not adequately disclosed in the specification or drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chimura et al. (6,285,466) in view of Nakamura (4,999,716).

Regarding claim 1: Chimura et al. disclose a storage unit (Fig. 3, memory 16) for receiving a packet data from a second communication network (Fig. 3, LAN 4); an inverting unit (Fig. 3, connection/transfer controller 15) for inverting the packet data into a facsimile image data (col. 6, ln. 7-20); and a control unit (Fig. 3, LAN control circuit 18) for normally transmitting the facsimile image data to a second communication terminal device (Fig. 1, FAX 7) via a third communication network (Fig. 1, telephone line 6) (col. 6, ln. 50-54), to the second communication terminal device via the third communication network (Fig. 1, telephone line 6) if an amount of the facsimile image data stored in the storage unit (Fig. 3, memory 16) is smaller than a prescribed amount (col. 8, ln. 28-34).

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Chimura et al. fail to specifically address error data and test data together.

Nakamura discloses and for appending an error data (1's for bit error) to a test data (TCF) used for a training purpose and transmitting the error data together with the test data (Fig. 7 and col. 8, ln. 3-13).

It would have been obvious at the time of the invention for a person of ordinary skill in the art to include error data with test data to determine modem transmission speed as suggested by Nakamura (col. 1, ln. 7-12).

Regarding claim 2: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. further disclose test data is a TCF signal (col. 7, ln. 52-56).

Chimura et al. fail to specifically address error data.

Nakamura disclose wherein the error data consists of a series of predetermined numbers (Fig. 7, and col. 8, ln. 3-13).

Regarding claim 3: Chimura et al. in view of Nakamura satisfy all the elements of claim 2.

Chimura et al. fail to specifically address plurality of 1's as error data.

Nakamura discloses wherein the series of predetermined numbers consists of a plurality of "1"s only (Fig 7, S3 "yes" condition).

Regarding claim 4: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

Chimura et al. further disclose wherein a first communication terminal device (Fig. 1, FAX 1) scans a document (original) (col. 5, ln. 15-19) having a plurality of pages (it is an implicit feature that a facsimile machine can scan one page or a plurality of pages) and prepares the facsimile image data (pixel data) to be sent to a first communication network (Fig. 1, telephone network 2), and when the image data of all the plurality of pages are not received by the gateway device

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or not transmitted to the second communication terminal (Fig. 1, FAX 7) (EOP signal not yet sent) from the gateway device (Fig. 1, gateway 10b) and the amount of the facsimile image data stored in the storage unit (Fig. 3, memory 16) is smaller than the prescribed amount (col. 8, ln. 28-34), then the gateway device (Fig. 1, gateway 10b) receives again the facsimile image data (pixel data) from the second communication network (Fig. 1, LAN 4) and stores the facsimile image data (pixel data) into the storage unit (Fig. 3, memory 16).

Regarding claim 5: Chimura et al. in view of Nakamura satisfy all the elements of claim 1. Chimura et al. further disclose wherein the control unit (Fig. 3, LAN control circuit 18); the second communication terminal device (Fig. 1, FAX 7).

Chimura et al. fail to specifically address control of modem speed, FTT signal, and error data and test data together.

Nakamura discloses controls a modem speed (transmission speed) such that the modem speed (transmission speed) does not decrease when the control unit receives an FTT signal (FTT and col. 9, ln. 19-42) in response to the error data and the test data sent (Fig. 7 and col. 8, ln. 3-13).

Regarding claim 6: Chimura et al. in view of Nakamura satisfy all the elements of claim 2.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 7: Chimura et al. in view of Nakamura satisfy all the elements of claim 3.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 8: Chimura et al. in view of Nakamura satisfy all the elements of claim 4.

Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 9: Chimura et al. in view of Nakamura satisfy all the elements of claim 1.

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Chimura et al. fail to specifically address amount of error.

Nakamura discloses wherein an amount of the error is at least four times as much as the test data (col. 8, ln. 3-13 and Fig. 7 and Tables 1-2).

Regarding claim 10: Arguments analogous to those stated in the rejection of claim 1 are applicable.

Regarding claim 11: Chimura et al. in view of Nakamura satisfy all the elements of claim 10. Arguments analogous to those stated in the rejection of claim 2 are applicable.

Regarding claim 12: Chimura et al. in view of Nakamura satisfy all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 3 are applicable.

Regarding claim 13: Chimura et al. in view of Nakamura satisfy all the elements of claim 10. Arguments analogous to those stated in the rejection of claim 4 are applicable.

Regarding claim 14: Chimura et al. in view of Nakamura satisfy all the elements of claim 10. Arguments analogous to those stated in the rejection of claim 5 are applicable.

Regarding claim 15: Chimura et al. in view of Nakamura satisfy all the elements of claim 11. Arguments analogous to those stated in the rejection of claim 6 are applicable.

Regarding claim 16: Chimura et al. in view of Nakamura satisfy all the elements of claim 12. Arguments analogous to those stated in the rejection of claim 7 are applicable.

Regarding claim 17: Chimura et al. in view of Nakamura satisfy all the elements of claim 13. Arguments analogous to those stated in the rejection of claim 8 are applicable.

Regarding claim 18: Chimura et al. in view of Nakamura satisfy all the elements of claim 10. Arguments analogous to those stated in the rejection of claim 9 are applicable.

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Regarding claim 19: The structural elements of apparatus claim 1 perform all of the steps of method claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 1.

Regarding claim 20: Chimura et al. in view of Nakamura satisfy all the elements of claim 19. The structural elements of apparatus claim 4 perform all of the steps of method claim 19. Thus, claim 19 is rejected for the same reasons discussed in the rejection of claim 4.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CMB


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